



**FILED**  
Feb 05 2009, 8:57 am  
*Beverly L. Smith*  
**CLERK**  
of the supreme court,  
court of appeals and  
tax court

**ATTORNEYS FOR APPELLEE:**

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**IN THE  
COURT OF APPEALS OF INDIANA**

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**FRIEDLANDER, Judge**

Nita Joyce Trott-Fluty appeals her conviction for Conversion,<sup>1</sup> a class A misdemeanor, challenging the sufficiency of the evidence.

We affirm.

On July 25, 2007, Trott-Fluty went to the Macy's department store at the Eastland Mall in Vanderburgh County. While there she caught the attention of Gina Miller, the store's loss prevention manager. Miller enlisted the help of another Macy's employee, Ryan Cornett, to watch Trott-Fluty via video monitors, while Miller went to the floor to watch Trott-Fluty in person.

Miller and Cornett observed Trott-Fluty enter several fitting rooms with her backpack and various items of merchandise. In the first instance, Trott-Fluty entered the fitting room with a blue dress and a blue and white dress. She did not have the dresses with her when she exited, so Miller immediately went into the fitting room to look for the items. Miller found two empty hangers and the merchandise tags that belonged to the dresses, but no dresses. Trott-Fluty then proceeded to another department of the store and selected several shirts before entering a fitting room. She later exited the fitting room without four of the shirts. Once again, Miller found empty hangers and merchandise tags in the fitting room after Trott-Fluty left. Later, Trott-Fluty entered a fitting room with clothing and an umbrella. She exited with the clothing in hand, but not the umbrella. Miller checked the fitting room and found no umbrella or tags.

When Trott-Fluty exited Macy's, passing all points of sale, Cornett stopped her.

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<sup>1</sup> Ind. Code Ann. § 35-43-4-3 (West, PREMISE through 2008 2nd Regular Sess.).

Miller arrived immediately thereafter and took possession of Trott-Fluty's backpack and directed her back into the store. As they passed a couch, Trott-Fluty reached down and deposited something between the cushions. Miller retrieved the object and discovered that it was the tags for the umbrella.

Trott-Fluty was then taken to the loss prevention office, where Miller eventually called the Evansville Police Department. The backpack was locked, and Trott-Fluty refused to give Miller or the responding officers the key. After Trott-Fluty was placed under arrest, her backpack was opened by an officer. The six missing pieces of clothing and the umbrella were found inside the backpack. Miller then matched each tag she had recovered during her investigation to their respective piece of merchandise.

Following a jury trial, Trott-Fluty was convicted as charged of conversion, a class A misdemeanor. On appeal, she contends the State presented insufficient evidence to support her conviction.

When considering a challenge to the sufficiency of evidence supporting a conviction, we neither reweigh the evidence nor judge witness credibility. *McHenry v. State*, 820 N.E.2d 124 (Ind. 2005). This review “respects ‘the jury’s exclusive province to weigh conflicting evidence.’” *Id.* at 126 (quoting *Alkhalidi v. State*, 753 N.E.2d 625, 627 (Ind. 2001)). Considering only the probative evidence and reasonable inferences supporting the judgment, we must affirm “‘if the probative evidence and reasonable inferences drawn from the evidence could have allowed a reasonable trier of fact to find the defendant guilty beyond a reasonable doubt.’” *McHenry v. State*, 820 N.E.2d at 126 (quoting *Tobar v. State*, 740

N.E.2d 109, 111-12 (Ind. 2000)).

Trott-Fluty's entire argument on appeal relies upon her own testimony, in which she denied placing the merchandise inside her backpack and insinuated that she had been framed.

In light of her own self-serving testimony and because Miller and Cornett could not testify that they actually saw Trott-Fluty put the items into the backpack, she claims the evidence is insufficient. We reject this blatant request to reweigh the evidence and judge witness credibility. Moreover, we observe that the State presented overwhelming evidence of Trott-Fluty's guilt.

Judgment affirmed.

MAY, J., and BRADFORD, J., concur